

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:)	
)	Anticipated Group Art Unit: 3626
Buckberg, et al.)	
)	Anticipated Examiner: D. Nguyen
Serial No. To Be Determined)	
)	
Filed: Concurrently Herewith)	
)	
Continuation of Serial No. 09/689,254)	
)	
Filed: October 11, 2000)	
)	
For: ANTERIOR AND INFERIOR)	
SEGMENT VENTRICULAR)	
RESTORATION APPARATUS AND)	
METHOD)	

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
Washington, D.C. 20231

Sir:

In accordance with 37 CFR Sections 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office and were cited in the parent application, U.S. No. 09/689,254. The items are listed on the attached form PTO-1449.

The items identified in this IDS may or may not be "material" pursuant to 37 CFR 1.56. The submission thereof by Applicants is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR 1.97(h)), or even qualifies as "prior art" under 35 USC 102 with respect to this invention unless specifically designated by Applicant as such.

CERTIFICATE OF EXPRESS MAILING

(37 C.F.R. § 1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office to Addressee' in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

EV120485408US

Express Mail Label No.

August 9, 2002

Date of Deposit

Kimberly N. Lane

Name of Person Mailing Paper

Kimberly N. Lane
Signature of Person Mailing Paper

INFORMATION DISCLOSURE STATEMENT FILING PROVISION

- ☒ This IDS is believed to be timely in that it is being submitted under 37 CFR 1.97(b), that is (1) within three months of the filing date of the application, which is not continued prosecution application filed under § 1.53(d); or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office Action on the merits; or (4) before the mailing of a first Office Action after filing a request for continued examination under § 1.114. Thus, no fee is required.
- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the Deposit Account referenced below.
- ☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97 (c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.
- ☐ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office Action on the merits, but before a Final Action under 37 CFR 1.113 or a Notice of Allowance under 37 CFR § 1.311.
- ☐ The fee due under 37 CFR § 1.17(p) is submitted herewith.
- ☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the Deposit Account below.
- ☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before the payment of the Issue Fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

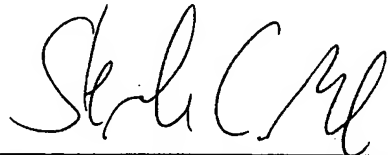
- ☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.
- ☐ No item contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing this statement after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 CFR § 1.56(c) more than three months prior to the filing of this IDS.

PAYMENT AND/OR AUTHORIZATION TO CHARGE FEES:

- ☐ A check in the amount of _____ is enclosed for the above fee(s).
- ☐ Please charge _____ to Deposit Account No. **50-2075** for the above fee(s).
- ☒ The Commissioner is hereby authorized to charge any fees required by the filing of these papers, and to credit any overpayment to Procopio's Deposit Account No. **50-2075**.

Respectfully submitted,

Dated: August 9, 2002

By: 

Stephen C. Beuerle
Reg. No. 38,380

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238 1900

FORM PTO-1449 LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCKET NO. 109841-15	SERIAL NO. TBA
APPLICANT: Buckberg, et al.		
FILING DATE: Herewith		GROUP: TBA

U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE
	A	3,279,464	10/18/66	Kline	128	64	12/63
	B	3,656,185	04/18/72	Carpentier	3	1	02/04/70
	C	3,874,388	04/01/75	King et al.	128	334	02/12/73
	D	3,938,863	10/05/76	Janke et al.	600	16	07/16/90
	E	4,042,979	08/23/77	Angell	3	1.5	07/12/76
	F	4,055,861	11/01/77	Carpentier	3	1.5	04/09/76
	G	4,164,046	07/14/79	Cooley	3	1.5	05/16/77
	H	4,204,283	05/27/80	Bellhouse	3	1.5	05/03/78
	I	4,217,665	08/19/80	Bex et al.	3	1.5	06/22/76
	J	4,366,581	01/04/83	Shah	3	1.5	09/02/81
	K	4,602,911	07/29/86	Ahmadi et al.	623	2	01/25/85
	L	4,690,134	09/01/87	Snyders	128	64	07/01/85
	M	4,821,723	04/18/89	Baker, Jr. et al.	128	419	02/27/89
	N	4,917,089	04/17/90	Sideris	606	215	08/29/88
	O	4,957,477	09/18/90	Lundback	600	16	05/09/89
	P	4,973,300	11/27/90	Wright	600	37	09/22/89
	Q	5,041,130	08/20/91	Cosgrove et al.	623	2	11/30/89
	R	5,104,407	04/14/92	Lam et al	623	2	09/20/90
	S	5,131,905	07/21/92	Grooters	600	16	07/16/90
	T	5,192,314	03/09/93	Daskalakis	623	3	12/12/91
	U	5,258,000	11/02/93	Gianturco	606	151	11/25/91
	V	5,425,744	06/20/95	Fagan et al.	606	213	04/18/94
	W	5,433,727	07/18/95	Sideris	606	213	08/16/94
	X	5,451,235	09/19/95	Lock et al.	606	213	04/14/94

EXAMINER:	DATE CONSIDERED:
EXAMINER: Please initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant. Thank you.	

FORM PTO-1449 LIST OF PATENTS AND OTHER ITEMS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)	ATTY. DOCK NO. 109841-15	SERIAL NO. TBA
APPLICANT: Buckberg, et al.		
FILING DATE: Herewith		GROUP: TBA

	Y	5,507,811	04/16/96	Koike et al.	623	11	11/15/94
	Z	5,571,172	11/05/96	Chin	623	1	08/15/94
	AA	5,607,471	03/04/97	Seguin et al.	623	2	08/21/95
	BB	5,702,343	12/30/97	Alferness	600	37	10/02/96
	CC	5,800,528	09/01/98	Lederman et al.	623	3	12/29/95
	DD	5,813,975	09/29/89	Valenti	600	37	11/07/95

FOREIGN PATENT DOCUMENTS								
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	TRANSLATION	
							YES	NO
	EE	WO 91/19465	12/26/91	PCT			X	
	FF	WO 93/13712	07/22/93	PCT			X	
	GG	WO 99/56655	11/11/99	PCT			X	

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)		
	HH	Bohm, J. et al., "Endoventricular Patch Plasty for Restoration of Ventricular Geometry and Pump Function in Ventricular Aneurysm" Z. Kardio., 85:43-46 Supp. 4 1996
	II	Di Donato MD, M. et al., "Early Hemodynamic Results of Left Ventricular Reconstructive Surgery for Anterior Wall Left Ventricular Aneurysm", 886-890; 1992
	JJ	Di Donato MD, M. et al., "Akinetic Versus Dyskinetic Postinfarction Scar: Relation to Surgical Outcome in Patients Undergoing Endoventricular Circular Patch Plasty Repair", 1569-1575; 1997
	KK	Dor, V. "Left Ventricular Aneurysms: The Endoventricular Circular Patch Plasty", 123-130; 1997
	LL	Dor, V. "Ventricular Remodeling in Coronary Artery Disease", 553-537; 1997
	MM	Dor, V. "Reconstructive Left Ventricular Surgery for Post-Ischemic Akinetic Dilatation", 139-145; 1997
	NN	Dor, V. "The Treatment of Refractory Ischemic Ventricular Tachycardia by Endoventricular Patch Plasty Reconstruction of the Left Ventricle", 146-155; 1997
	OO	Emmrich, K. et al., "Contribution to the Discussion of the Lecture by Bohm, Berlin", 47-48; 1996
	PP	Jatene, A.D. et al., "Left Ventricular Aneurysmectomy", 321-331; 1985
	QQ	Author Unknown, Date Unknown (Videotape given to one of the applicants after December 24, 1997), Reconstrucao da geometria ventricular esquerda com protegé semi-rigida de perdicardio de bovino (A videotape by the Institute De Molestias Cardiovasculares in Portuguese taken in Brazil of Dr. Braille performing a surgical procedure on a heart.

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EXAMINER: Please initial if reference is considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include a copy of this form with next communication to applicant. Thank you.	